*NEW YORK, FRIDAY, MAY 4, 1906, -Copyright, 1906, by The Sun Printing and Publishing Association

JAMMED THROUGH AT LAST.

Session Ends William Extraordinary Fight ther a filli to Create Two More Judgeships It Hart Heen Heaten Twice in Incuts-four Hours Sow It's Passed.

HOLES TO DO IT.

ALBANY, May 3. The disgraceful efforts of in State politician lawyers to procure colution creating judgeships that could emit them being named for Supreme art Justices resulted in a scandal in the secrebly to-day. It was the last official and the present Assembly when Senator a bill creating two additional Juamer for the Eighth Judicial district was land of through.

I also the Assembly had rejected the bill. Mary Assemblyman from the Eighth Jone a district, with but one exception theman Cox of Buffalot, had voted oudly against the bill. The session was gloom to end when the most unexpected our was made.

The resolution providing for final admment of the Legislature had fixed the ur for 12 o'clock. This year it had been be intention to adjourn promptly at that or. There was to be no juggling with the clock but at 11:50 it was seen that the Assembly could not get through with the business desired, and the clock was stopped at that rount and there it remained until 3:37 this afternoon. The Senate adjourned without waiting to receive a committee from the Assembly notifying it that the Assembly was about to adjourn.

When the Mills resolution amending the Constitution in regard to the number of Justices of the Supreme Court was adopted by the people, it was commonly supposed that it was merely to help out the situation that existed in New York and Brooklyn. There, it has been admitted, more Justices are needed. But above The Bronx there had never been any necessity for more Justices, providing the up-State Justices sitting in New York city were compelled to return to the districts which had elected them. But the politician lawyers saw opportunities in the Mills resolution and grasped them for their own selfish ends. As a result the number of Justices in the State has been increased twenty-six by bills passed by the Legislature which closed its sessions to-day.

Nothing more farcical was ever witnessed than giving the Third Judicial district two Justices. This is the Albany-Rensselaer-Ulster district, and there never has been any complaint about having too few Justices. To-day, however, the number was increased by two.

Last night the Assembly refused to pass the Davis bill providing for the two extra Justices in the Eighth district. This morning immediately after the session opened Assemblyman Cox moved to rensider the vote by which the Davis bill had been lost. Assemblyman Wade bitterly opposed the motion. He said:

trict are scandalized over this bill. My county of Chautauqua is up in arms over it. We don't want more Justices. What we do want is to make our Justices stay at home. It is a disgrace that five out of the ten Justices of that district are sitting in New York city. Make them stay at home and we have enough. The people of my county know what is behind this bill, and let me tell you that you need not expect a majority of 10,876 next fall from Chautauqua county if this bill is passed."

The bill, however, was again placed on the order of final passage and failed to pass by one vote, 75 members being recorded for 76 being required to pass it, and 18 against the bill.

From the minute the bill was declared lost Assemblyman Cox and others began to circulate about the Assembly chamber buttonholing members. After the Albany-Rensselaer-Ulster additional Justices bill had been passed by an overwhelming majority, Assemblyman Cox sprung to his and moved to suspend the rules so that he could call up the Davis bill again. Assemblyman Wade raised the point of

order that the hour for final adjournment had been passed. Speaker Wadsworth ruled him out of order.

When the bill for a third time within twenty-four hours was placed on the order of final passage it was passed by a vote

Then Mr. Wade began his attack on the validity of this action. He moved that the journal show that the bill had been passed at 3:06 o'clock. If this had been adopted the bill would have been dead, for no business can be transacted after the hour for adjournment is reached, which was the noon hour, but Majority Leader Moreland asked that the journal be adopted

and the Wade motion was lost. When Gov. Higgins's attention was called to the statements of Assemblyman Hooker and Wade he said:

'My policy with regard to the increase - the judiciary in the various districts of creases as are necessary for the transaction of business, without regard for the ambitions of individual aspirants for the bench. I stated these views clearly in my annual message, saying that the Legislature should proceed with an eye single to the correction of evils due to an inadequate judiciary. I had indicated clearly my intention to disapprove any bill which would not be defended by the members of the bar of the district who are most familiar with its needs. In the new Ninth | have failed, and it is said, Walsh will be district I discountenanced the effort to forced to stand trial.

pass a bill providing for four new Judges "In the Eighth district it was voted by the State Bar Association and the Erie County Bar Association that additional Judges were needed. The constitutional amendment permits an increase of four new Judges in the district. A combination of interests stood out for three Judges and when I indicated my refusal to approve a bill for three Judges these interests sought to defeat any increase whatever. In my judgment this action was not taken for the best interests of the district, but was due to disappointment over the failure of the three Judge proposition. I am opposed alike to the saddling of unnecessary Judges upon the district and the re-

final to grant necessary and proper relief from consented court calendars

Leading members of the State Bor Assolation to-night declared that they will ISSUMBLY CLOCK STOPPED A request the Governor to voto all bills providing for additional Justices in all districts excepting the first and second, saying they are the only districts that need extra Justices. They say further that these extra Justices in these two districts will be sufficient to take care of the legal business in the section below the Bronx and enable the up State Justices now serving in New York and Brooklyn to return to their home districts, in which event the up-State districts will have an ample supply of Justices to

> MORE BLOODSHED FOR RUSSIA. Proffetion That Witte's Retfrement Means Serious Trouble.

do the work.

Special Cable Despatches to Tue Sew. St. Petersburg, May 3 .- It is semiofficially announced that Alexander Stolypin ias been appointed Minister of the Interior, and Chtcheglovitoff Minister of Justice. LONDON, May 4.- The St. Petersburg

correspondent of the Telegraph again predicts that serious trouble will follow the retirement of Premier Witte. He says the autocracy is resolved to make another determined stand for existence, cost what it may, and in preparation for possible onsequences eight more quick firing guns have been sent to Moscow, bringing the total there to thirty-two. The conviction is universal that the Durna has been invited to a feast. Instead of a dessert there will be ructions. No conciliation is conceivable, no compromise is possible between the crown and the nation. A conflict is certain, unavoidable, imminent. Even Count Witte

could not now avert it. The correspondent asserts that Count Witte only retained nominal power to secure the new loan. Neither France, England, Austria nor Holland would have subscribed to enable Russia to wage civil They loaned their money for a reorganization of the empire, but the court camarilla resolved to employ it for their own interests, breaking the promises Count Witte was authorized to make.

The Government of Russia, the corre spondent declares, is now being carried on by secret influences, the centre of which is Gen. Trepoff, whose authority has continually waxed greater since he quitted St. Petersburg for Tsarskoe-Seio. Diplomatic circles are profoundly impressed by the disclosure of the Government's policy. The appointment of Goremykin as Count Witte's successor is regarded as the most fateful event since the war.

PRINCE HAD STOLEN SILVER. Von Wrede's Dismissed Servant Tells the German Pellee.

Special Cable Despatch to THE SUN Berlin, May 3.-A society scandal has become known through the dismissal of a servant by Prince Von Wrede during a tour of Spain. Returning to Germany, servant stated that the table silver in the Prince's household at the castle of Basedow contained many pieces that had been

Public Prosecutor Guestrow searched the castle in the absence of the Prince. The silver chamber was found to be locked. but it was opened and in it was found a large quantity of plate, apparently stolen from various hotels. It has not been explained yet how it got there. An official inquiry has been opened.

KAISER WON'T SUPPORT SULTAN.

No German Ald for Turkey in a Quarrel With Great Britain.

Special Cable Despatch to THE SUN LONDON, May 3 .- Count Metternich, the German Ambassador, has informed Sir Edward Grey, Secretary of State for Foreign Affairs, that in the event of a quarrel between Turkey and Great Britain in reference to the Egyptian boundary the Sultan could not rely upon Germany's support.

ROYAL COUPLE UNHAPPY. King Alfonso's Sister May Seek Separation

From Louis Ferdinand of Bavaria. Special Cable Despatch to THE SUN

TRIESTE, May 3.—A despatch from Madrid to the Piccolo states that the marriage of the Infanta Maria Theresa, sister of King Alfonso, and Prince Louis Ferdinand of Bavaria, which took place on January 12, has proved unhappy, and that Queen Christina has drawn the attention of Prince Louis to the intemperate habits of his son. Unless his intervention ameliorates the situation a divorce is probable.

WALSH CASE UP TO GRAND JURY Chicago Banker Waives Examination Charges of Misusing \$3,000,000.

CHICAGO, May 3 .- John R. Walsh, former president of the defunct Chicago National Bank, accused of making a false report to the Comptroller of the Currency and misapplying \$9,000,000, waived examination to-day before United States Commissioner Mark A. Foote, and was held to the Federal

Grand Jury under bonds of \$50,000. Previous to the hearing Mr. Walsh's attorneys had been informed by the District Attorney that the Government in tended to push the case and would agree no further continuances.

The Federal Grand Jury, it is expected, will meet May 15 Neither Mr. Walsh nor me State has been to favor only such in- his attorneys nor his friends would disclose to-day any part of Mr. Walsh's plan of defence, or what line of action will follow

the waiving of a hearing. It was suggested that Mr. Walsh may request that the Government allow some of his witnesses to appear before the Grand

Jury, in the hope of forestalling an indictment by that body. Powerful influences alleged to have been exerted here and in Washington to force the Government to drop the prosecution

The bond for \$50,000 was renewed by Fred M. Blount for the Illinois Surety Company and the wa'ver of examinatio : was signed

Lady Kate Lawson Out of Bellevne

by Mr. Walsh.

William Lawson and Lady Kate Lawson were registered at the Fifth Avenue Hotel up to Wednesday. The weman was taken to Bellevue at 11 o'clock Wednesday night in a hysterical condition. At the hospital she said she was Kate Lawson, an authoress, from Frgland, and that she was to go tack on the Cedric to-day. She was discharged at 8:50 last night and driven away in a cab. Both Lady Kate and W. Lawson are on the Cedric's list.

M'WADE NOW ACCUSES PEIRCE

SCANDAL ABOUT HIS TRIP TO CHINA.

Man Removed From Ca mon Consulate Mays Petree Crafted for a Tiger Skin Rug and Based His Charges on Testimony of Outeasts Petree Returns the Rug.

WASHINGTON, May 2.-Robert M. Mc-Wade, former United States Consul-General at Canton, China, who was removed from office on the recommendation of Assistant Secretary of State Herbert H. D. Peirce, upon his return from a tour of inspection of consulates in the Orient, to-day had his inning before the House Committee on Foreign Affairs. The showing which he made in his own defence against the charges of corruption, dishonesty and maladministration in office made by Mr. Peirce was anything but favorable to the Assistant Secretary of State, and may lead to an inestigation of Peirce's own conduct.

Mr. McWade's statements regarding his own behavior and his character and the character of those who accomplished his removal from office were substantiated by affidavits of leading business men of Canton, professional men and missionaries of various denominations.

Mr. McWade declared that Mr. Peirce was in Canton for only forty-eight hours, only thirty minutes of which time he spent at the United States Consulate. During that brief interval, however, he was succesaful in securing from the Consul-General, McWade says, a handsome tiger skin rug, which he valued at \$500. Mr. Peirce saw the rug immediately upon entering the consulate and coveted it, said Mr. McWade. He requested it in such a manner and coupled his request with the assurance that Mr. McWade need have no further fear concerning the charges made against him that the Consul-General declared he had nothing else to do except to comply with Mr. Peirce's request and make him a present of the rug.

Mr. McWade says that the remainder of Mr. Peirce's time in Canton seemed to have been spent in gathering, by one means or another, other curios and at a dinner given by the American Club in Canton.

Mr. McWade said that he had been assured by Mr. Peirce during his brief stay in Canton that the charges against him would be ignored, and that Mr. Peirce went so far as to dictate a cable despatch to that effect, which Mr. McWade sent to Senator Penrose. Upon Mr. Peirce's return, however, he submitted to the Department a long series of grave charges against Mr. McWade, supporting them by a petition for his removal, which, according to affidavits now on file in the State Department, signed by men of the highest character in Canton, was presented by a dozen or more felons and out-

Mr. McWade submitted to the committees the affidavit of G. H. Fuller, president of the Canton-Hong Kong Ice and Cold Storage Company, Limited, in which the signers of he petition for McWade's removal are denounced as men who have cast "disrepute, disharter and adjum on the name of our country in the far East." The signers of the petition asking for McWade's removal are L. . Passano, W. F. Cary, W. Gilkeson, C. B. Perkins, Charles E. Richardson, George Steele and J. D. Gillilan. Of these men Mr. Fuller in his affidavit save

The first two named, Passano and Cary, are oth under indictment for fraud on several different charges and are now fugitives from Gilkeson fled from Manila to escape arrest on a charge of cohabiting with his thirteen-year-old daughter. He came to Canton and upon the request of officials of the Canton-Hankow Railway was de-

misbehavior. Gillilan left Manila in 1890, after having gained a very shady reputation. He came Canton in 1903, and defrauding he proprietor of the Canton Hotel out of \$800, he

lisappeared from the Orient. Perkins was under arrest in Manila on a charge of embezzlement, but was acquitted on a technicality. He is known here as a cambler. He married his wife out of a house of prestitution in Hongkong. Steele, like Perkins, was discharged from

the employ of the Canton-Hankow Railway and also married a prostitute in Hongkong. As to Richardson, sufficient evidence already be in possession of your Department

for you to judge of his character.

The whole business is a criminal conspiracy etween a few vicious, unprincipled man to ruin, if possible, the character and reputation of a gentleman.

Regarding the charge made by Mr. Peirce that he (McWade) had been guilty of gross drunkenness while attending the opening of the Canton-Hankow Railway, and "made a public exhibition of himself," Mr. McWade told the committee that the ceremonies occurred in the summer of 1904 and not in November, as Mr. Peirce's witnesses had stated. He denied that there was any great quantity of intoxicating liquors, and denied also that when called upon to make a speech he was unable to respond and volunteered to sing "Auld

In support of this Mr. McWade subnitted an affidavit made by William W. Smith, an ensign in the United States Navy, who was present at the opening caremonies Regarding his drinking habits Mr. Mc Wade, in his answer submitted to the committee, says:

"He has always been a man to take drink, but never was the worse for drink at any time. Every man and woman in the Orient drinks more or less; the climate demands it and the health conditions demand it. The rule was and is to take a little Scotch whiskey with pleaty of soda, which went by the name of 'long sleeve' drink.

As to Mr. Peirce's charge that "the general opinion that I find expressed regarding McWade throughout China was that he is notoriously corrupt," Mr. McWade submitted to the committee letters from business and professional men in Canton and from the missionaries of various denominations testifying to his integrity.

Mr. Peirce has been selected for Minister to Norway. What effect Mr. McWade's statements will have on his future official career will depend on developments.

Mr. Peirce was the representative of this Government at Portsmouth, N. H., during the Russian-Japanese peace conference, and has accompanied several foreign notables on their tours of the United States in an official capacity.

Mr. McWade received to-night from Assistant Secretary Peirce the tiger robe which the latter obtained from Mr. McWade at Canton. There was no explanation accompanying the robe

WALLEY CHEDITORS TO FIGHT. TO TRY HUMMEL FOR FELONY

Want Widow of Almer , rought Buck From Florida to Exelsin Ler Accounts. SOMERNEY, Pa., May 3. Creditors of the estate of Abner McKipley, brother of Presi-

lent McKinley, ask that Mrs. Annie S. McKinley, widow of Abner McKinley and executrix of his estate, be subprenaed and brought back from Florida, where, it is alleged, she went to except answering the exceptions taken to the filing of her account.

The McKinley estate has been known to e insolvent for some time. This morning. however, eguifors received the first inkling of what they might expect in the way f a settlement when it became known that Hermanus L. Baer, son-in-law of Mr. McKinley, had presented a claim for \$1,000 for medical services. He settled his claim

Attorney John B. Scott, who represents number of the creditors, charges that the McKinley homestead, which was sold to Mrs. Baer, the daughter, known on the stage as Mabel McKinley, for \$15,000 at Orphans' Court sale last fall, was, during the life of Abner McKinley, furnished elaborately and the furniture was worth a vast sum of money. Under cover of darkness, he says, this furniture was spirited away before the sale and the creditors were thus defrauded of a large sum of money. When the sale took place there was scarcely any personal property left in the house. Somerset was where President McKinley

W. A. CLARK TO LEAVE SENATE. Announces That He Will Not Be a Candidate for Reciection From Montana.

always spent his summer vacations

BUTTE, Mon., May 3 .- In a signed statement appearing to-day in the Butte Miner, his own paper, Senator W. A. Clark of Montana announces that he is not a candidate for reelection to the United States Senate. He says he will return to Montana to look after his business interests at the close of

the present term. The announcement is contained in the

following telegram: "I deem it only fair and proper to announce and to authorize you to publish the statement that I shall not be a candidate for reelection to the United States Senate. I have been highly honored by the Democratic party and the people of Montana, and I fully and deeply appre-I have earnestly and faithfully striven to perform my duty and protect the interests of all people without regard to party, and will continue to do so until the end of my Senatorial term, when I shall return to my lifetime adopted home and devote my energies to the development and expansion of the great industrial enterprises I have in hand. I shall not relax my zeal for the supremacy of the Democratic party in the State and nation, and will use my best efforts to bring about that happy consummation and the election as my successor ... that time honored party. "W. A. CLARK." as my successor of a worthy member of

NO DIRECT TAX THIS TEAR. The State's Revenues Will Be Sumelent to

Meet All Expenditures. ALBANY, May 3. - For the first time in half century the Republican candidate for Governor next fall will go before the people with the statement that, although it costs in the neighborhood, of \$28,000,000 to run the State government, this administration has provided means from indirect sources of taxation to meet this expandi ture, so that the levying of a direct tax this year will be unnecessary. The revenues for the coming fiscal year, beginning October 1, it is estimated, will be largely increased through the operation of the stock transfer tax law, the liquor tax, ported because of general drunkenness and the inheritance tax and the corporation

At the same time the estimated surplus in the treasury on October 1 will be about \$10,000,000. An amendment to the Constitution adopted by the people last fall permits the payment of all State expenditures, even the annual contribution to the canal debt, from moneys secured from indirect sources of revenue, and if this amendment had not been adopted by the people a direct tax this year, raising in the neighborhood of \$5,000,000, would have been neces-

DUKE TO GET A DIVORCE. lice-Chancellor Says the Evidence Was

Overwhelming Against Mrs. Duke. Vice-Chancellor Pitney announced his determination at the end of the hearing in Newark yesterday afternoon to recommend that a decree of divorce be granted to James B. Duke of the American Tobacco Company from his wife, Lilian Nanette Duke. The divorce was sought on the ground of improper relations of the defendant with Frank T. Huntoon.

When the hearing of testimony, which had been in progress two weeks, closed counsel for both sides agreed to submit the case without argument. In announcing his conclusion the Vice-Chancellor said that the evidence was overwhelming in proof of the charges made by the complain-He declared that the absence of the defendant from court was practically an admission of guilt.

SAVED ALL THE MUSIC. Women and Children Ran From Flames

While Men Carried Out the Orchestra. One of the tenants in the musical flat at 118 East Eighty-eighth street chopped wood by candle light in the cellar yesterday afternoon. He became so absorbed in composing a wood choppers' symphony that he left the candle behind.

The result was a fire that filled the five story house with smoke and German expletives. Policeman Grant, of the East Eightyeighth street station sent in an alarm and hurried to get the people out. He found that the women and children were safe, but that not a man had come out of the burning building.
Grant discovered the explanation at the

Grant discovered the explanation at the landing of the first floor, where he found a tightly wedged mass of humanity, each unit of which was clinging to a beloved musical instrument. By actual count there were three 'cellos, three harps (orchestra size), one bass viol, seven violins, three trombones and a bass drum.

Grant pushed and shoved like a bucking halfback, and finally, with the assistance of the firemen, organized a rush for the street in which all the instruments were saved.

The fire was confined to the first floor and

The fire was confined to the first floor and

It was put out in short order. Damage \$500.

As the firemen were "taking up" to go home the impromptu band, a little bit shaky in pitch, but with much good spirit, struck up "The Man With the Ladder and the Hose." to the district superintendent of the Board of Education. Two telephone systems in flow York versen for business men two books to consultable to support. two bills to pay.

Two telephone systems in New York would mean for business men two books to consult, two pells to enswer, two bills to pay.—Ade.

PATHER SHERMAN TURNS BACK. STRIKE FEVER SEIZES MINERS

velt that he took his baggage from the

army wagon and had it moved into the

home of his friend, Gen. Granger, who was

military secretary to Gen. W. T. Sherman.

invitation, he says, came unsought by him

was pressed upon him by one who is recog-

nized as authorized to act for the Govern-

FOR A TOWER AT NO. 1 WALL ST.

Building to Be Freeted 30 by 35 Feet and

tower that will grace 1 Wall street, New

will soon begin. The deal has been financed

by fifteen St. Louis men and the structure

will be erected by the Westlake Construc-

feet and will be more than 200 feet high

Each floor will contain a single office, with

the elevator shaft will be enclosed so that

passengers will not obtrude on the privacy

of the offices as they pass up and down.

Three elevators will be in operation and

The building is to cost \$300,000 and is to

WEAVER FOR CITY OWNERSHIP.

Philadelphia's Mayor Suggests Taking

Over Public Utilities.

PHILADELPHIA, May 3. Mayor Weaver

to-night announced that he favors munici-

pal ownership of public utilities and indi-

cated that citizens might expect a loan bill

The Mayor was speaking at the annual

With men of merit filling the important

esitions of the local government the

itizens of this city will feel that it is time

LONGWORTHS GOING TO NORWAY.

of King Haakon VII.

Special Cable Daspaich to TRE SUN

worth will be among the guests at the coro-

expected to arrive in their own yacht a

PACKING HOUSE DISCLOSURES.

Investigation Made by Order of President

have just completed an investigation of the

sanitary conditions in packing house dis-

tricts in Chicago and other cities of the

West and of the manner in which the

workers in these concerns are housed by

their employers. The inquiry was made

instituted immediately after the publica-

tion of a novel entitled "The Jungle," which

was intended as an expose of the packing

lating the inspection of meats for export

will be materially modified as a result of

made that subordinate officials of the De-

partment of Agriculture, identified with

the inspecting force, have winked at some

evasions of the law, it having been alleged

that diseased cattle have been slaughtered

Watching Stock Quotations.

St. Louis, Mo., May 3 .- Corwin H. Spen-

cer, vice-president of the Mercantile Trust

Company, vice-president of the world's

fair and former president of the Merchants'

Exchange, worth several millions, and the

heaviest grain operator in this market,

collapsed to-day while studying the quota-

tions as they came in over the ticker in a

broker's office in the Planters' Hotel build-

For several days Mr. Spencer had watched

the market with feverish interest. He is

said to have been long of Louisville and

Nashville, Great Northern and Northern

Pacific stocks, and that the recent slump

caused him to lose several thousand dollars.

Ohio, in 1851, on a farm, coming to St. Louis

in 1884. Twice he failed in business, but

Capt. Van Schalck Married

AMSTERDAM, N. Y., May 3 .- Announce-

ment is made to-day of the marriage of

Capt. William Henry Van Schaick to Miss

Mr. Spencer was born in Michigan county.

ing. He died three hours later.

each time obtained a fresh start.

There is a probability that the laws regu-

house industry in this country.

under their very noses.

Focsevelt After Beading "The Jun le."

dinner of the Civil Service Reform Asso-

ciation of Pennsylvania. He said:

deemed wise for the city to own."

rns that Mr. and

festivities.

its only door opening into the elevator.

The building will be on a plot 30 by 35

tion Company of St. Louis.

be completed January 1, 1907.

in the near future.

Mays President's Action to an Insult - Ever Removes Haggage From Army Wagon. SUBORNATION OF PERSURY CASE CARTERSVILLE, Co., May 3.-Stung by GOING ON THE CALENDAR

President's order

riticism and angered by the action of President Rossevelt in withdrawing his White Appeal is Pending From Conviction encort of United States cavalry, Father of Conspiracy in the Budge-Morse Sherman has abandoned his trip over the Divorce and Marriage Case Band route taken by his father and has returned Will Probably Appear for Presecution. o Chattanooga.

District Attorney Jerome has made up is mind to try Abe Hummel again-this line on the indictments charging him with subornation of perjury in connection with the Dodge-Morse marriage and divorce tangle. Hummel was convicted of conspiracy and was sentenced to a year in the peniteptiary and to pay a fine of \$500-the maximum penalty-but he has been out on bail and his case in now on appeal. was behind prison hars in the Tombs fo

and who has lived here for some years. about five hours. There are two indictments against Hummel for subornation of perjury. He is charged with having procured Charles F. Dodge to swear to an affidavit that he had never been served with a summons and complaint in the suit for divorce brought ment in such matters . . by Mrs. Clemence Dodge, who afterward married Charles W. Morse. The other indictment charges Hummel with having procured Dodge to swear falsely at the hearing in the Dodge divorce proceedings before Referee Ernest Hall.

Hummel will be called before Justice Scott in the Supreme Court, Criminal Branch, on next Monday, when a date will be fixed for his trial. It has practically been decided that William Rand, Jr., will be called in by Mr. Jerome to prosecute Hummel. Mr. Rand was Mr. Jerome's chief of staff and had charge of the entire Dodge-Morse investigation, including prosecuting Hummel on the conspiracy charge. Of course, Charles F. Dodge, ex-Pullman car porter and hotel manager, will be the principal witness against Hummel. It is quite probable, however, that Capt. James Morse and Mrs. Dodge-Morse, maybe, will also be called. It is understood that they have told Mr. Jerome that they would always be ready as witnesses if needed. Charles W. Morse is said to feel the same

At Hummel's trial for conspiracy Capt. Jim Morse swore that in all he paid Hummel over \$75,000. That was after the suit was begun to have the Dodge divorce set aside. Dodge testified that he got five \$1,000 bills from Hummel after he had made an affidavit that he had never authorized Lawver Mortimer A. Ruger, who died before the Humme! trial, to appear for him and had never been served with a summons and complaint.

After Hummel's conviction of conspiracy he was released in \$10,000 bail by Justice John Woodward, who was sitting in Brooklyn This was on an application for an order to show cause why a certificate of reasonable doubt should not be granted. Mr. Jerome contended that Justice Woodward had no right to admit Hummel to bail and made a test case by rearresting Hummel, but the Appellate Division in Brooklyn decided last week that Justice Woodward was within his rights. After Hummel's conviction Mr. Jerome

said that if Hummel persisted in fighting to keep out of jail for misdemeanor he would be tried for perjury. There has been no argument yet on the appeal from Hummel's conviction. John B. Stanchfield, who was associated with De Lancey Nicoll as counsel yesterday. It is supposed that it was in reference to the Hummel case, although they both refused to say anything about it. There are other untried indictments

growing out of the Dodge-Morse in estigation. Ex-Justice Edgar L. Fursman, Benjamin Steinhardt and James A. Bracken were also indicted. So was Dodge, but as he became a witness for the prosecution he will not be tried.

DEAD ON THE BUMPERS OF A CAR.

eys, Stealing a Ride, Hold the Body o' ourade Until the Train Stops.

POUGHKEEPSIE, May, 3 .- Two lads, Theodore Hamilton of Kansas City and Charles Butler of Jersey City, dropped exhausted from the bumpers of a car in a fast freight train at Hyde Park early this morning. Between them the two boys were supporting the dead body of their comrade, Leland Duncan, 16 years of age, of Kansas City, who was struck by a bridge and killed.

The story of how the boys maintained their precarious hold on the bumpers of the car while the train was travelling at the rate of fifty miles an hour is one of rare heroism and devotion. To maintain their hold without the added burden of a dead body tested their strength to the utraost. The way they supported their dead comrade and kept themselves from being hurled beneath the wheels by the jolting and swaying of the train is declared by railroad men to be an exhibition of nerve and endurance

rarely equalled. Hamilton and Butler did not know that Duncan was dead, but thought he was badly hurt. They struggled to hold him as carefully as they could and save him from discomfort from the jolting of the train until the first stop at a place where there would likely be a hospital. The three boys were travelling from South Bend, making their way by stealing rides on freight trains.

BOY'S BACK TEETH LOOSE.

Lad Who Goes to School Late Says Teacher Struck Him.

Frank Pickelsky of 16 Livingston place teacher in Public School 7 at Chrystie and Hester streets, appeared in the Essex Market police court yesterday afternoon in response to a summons. One of his pupils, Jacob Brounstein of (3 Forsyth street, who is 11 years old, said that Pickelsky struck him so hard that it loosened his back teeth.

The principal of the school, William A. Kattman of 137 Edgecombe avenue, took charge of the defence. He said that the boy had been late several times and that it was necessary to punish him.

"It wasn't necessary to strike the boy, commented Magistrate Wahle. der him he is liable to lose his patience

Grace Mary Spratt of New York. The "When a man has so many children unwedding took place on February 19 at the rectory of St. Anne Episcopal Church and sometimes his temper," Mr. Kattman in this city. Capt. Van Schaick was in explained. charge of the steamboat General Slocum, The boy's father was in court. Magiswhich was burned at New York with tertrate Wahle told him either to start a civil rible loss of life. The captain and his suit against Pickelsky, or else report him bride are stopping on the Van Schaick

There was no criminal intent and hence Latest Marine Intelligence, no crime," said the Magistrate, and he dis-Arrived: Ss Altai, Hayti; Ss Barbarossa, Gibra missed the charges.

Via Pennsylvania Rallroad. New time table be-ginning May 6. Additional express trains in each direction. Parior oar service.—Ade.

PRICE TWO CENTS.

DELEGATES IN CONVENTION HOL FOR THE CONTEST.

Mitchell Mays Southment of the Body to Against Peaceful Besumpton Sittle Hope That Trouble Can Be Averted

Bertston Not 1 spected TIII Saccestay SCRANTON, Pa., May 1. The referenching Father Sherman and encort reached roposition that has been put up to John here last night, where they learned of the Mitchell by people that he has listened to in the past is likely to be rejected by him So angered was Father Sherman at what and a strike of the United Mine Workson considered an insuit by President Roosedeclared.

> That is the talk one hears this evening bout the Hotel Schadt, where headquarters of the union have been established and where the leaders of the United Mins Workers have congregated.

Father Sherman says he was an invited Nevertheless, there is fatill a horse that guest of the Federal Government. This a strike will be averted. It grows out of the strong pressure that the come munity generally is bringing to bear on the individual delegates, on the belief that Mitchell himself is not in favor of a labor fight to a finish, and on the disinclination of the rank and file of the United Mins Workers again to engage in such an exhausting strike as that of 1902, when they St. Louis, May 3. The design of Barnett, were compelled to undergo hardships that Haynes & Barnett for the eighteen story they still contemplate with misgivings almost equivalent to horror. York, has been accepted and construction

The convention this afternoon, which succeeded in tearing Healf away from the leading strings of Mitchell sufficiently to start a debate, with reporters in the hallthat Mitchell had meant to defer until tomorrow, developed a strike sentiment which was unexpected by nearly every one except, perhaps, John Mitchell and the

district presidents of the organization From 2:3) until 4:3) o'clock inflammators speeches were made one after another, with scarce a man raising his voice in favor of industrial peace. Then John Mitchell arose and made an address lasting ten minutes, in which practically all that he said was that it was up to the miners to pase upon this matter themselves, that he had laid the case before them and it was for them to decide whether they should accept the proposition of the operators and go back to work or show their resentment by declaring a strike.

Some questions having been raised over matters concerning which he had spoken, Mitchell again took the floor and stoke for nearly five minutes. What he said could not be heard through the thick doors of the convention hall, but when he sat down he

to control, own and operate the great public was cheered. utility plants. With only men of proved Nevertheless when the convention, two ability in control citizens will not fear to minutes later, adjourned and delegates vote a loan of as many millions as may be were asked what position Mitchell had needed to build a city electric plant or to taken they answered in a manner that buy other public utilities that it may be showed that they were rather puzzled, that his remarks were non-committal. After reaching his hotel at 5:30 o'clock this afternoon, John Mitchell called the reporters together and gave out the following state-

Will Be Among the Guests at the Coronation ment: "As understood while in convention the sentiment seems very strong against ac-COPENHAGEN, May 3 .- The Politikon cepting either the conditional and restrictive arbitration scheme proposed by the operators or a renewal of the award of the nation of King Haakon VII. and Queen anthracite strike commission for three Maud of Norway on June 22. They are

"The strike feeling has been intensified day or two before the beginning of the by the unfortunate and unjustifiable action of the State constabulary at Mount Carmel, as by their conduct in other parts of the region since the suspension has been in effect. Of course it cannot be stated positively what the vote will be; that will not be known until Friday afternoon or Satur-

Washington, May 3 -- It became known here to-day that agents of the Department A little later in talking to THE SON Mr. of Agriculture and the Bureau of Labor

Mitchell said: "Any one who offers a hint as to what may probably take place in our deliberations does so without authority, and if I were you I should not place much reliance in such statements."

When an intimation was made to Mr. by order of President Roosevelt and was Mitchell that it seemed for a time in the open meeting this afternoon that the convention was getting away from all control in its strike sentiment, he shook his head with a smile and remarked: "No; thu was as it should be. They are allowed the fullest opportunity to express that views. It is intended that they shall all the disclosures. Allegations have been feel that they have a voice in the decision. The convention was at no time acting by-

yond control." Mr. Mitchell said that the sessions of to-morrow will be executive and that there is no probability that the end will be reached before Saturday afternoon.

and made into packing house products It is worthy of some attention that all of the out of town newspaper correspondents C. H. SPENCER DIES AT TICKER, in the city to-night seem to have gained the same impression, that is, that a strike appears inevitable and will be declared before Wealthy St. Louis Operator Stricken While the convention adjourns on Saturday.

Nevertheless some advocates of pears have another scheme which they will urgs along with the referendum. That is that the convention refer the matter back to the scale committee with instructions to make another attempt to arrive at an agreement with the operators.

The two sessions of the convention to day demonstrated that the character of the men composing it is better than has been the case in almost any other convention of the union held in recent years. There were fewer foreign miners among the delegates and they were well dressed and generally appeared prosperous. The morning session, that lasted just half an hour, was of little consequence, but that of the afternoon was unexpectedly important inasmuch as it showed the temper of the convention. and that the delegates were greatly exercised over the refusal of the overators to

grant concessions of any kind. The statement given out by Mr. Mitchell to the newspaper men is thought, read between the lines, to be a direct tip to the men to hold themselves in readiness to declare a strike.

There are a few who think that it was given out for the purpose of warning the operators that unless they grant concessions at once the miners will strike.

The belief that a strike is unavoidable has finally extended to the independent operators and the general managers of the coal carrying companies. One of the latter, who has been very optimistic to date, said this evening that he was now convinced by the speeches made in convention this af-

ternoon that there will be a strike. 'Athers Fast trains to Detroit, Chicago and St. Loui by West Shore Rairroad. Ask a West Shore ticks agent for particulars,—Ad-

that made the highball famous. -- Acc.